

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

SAUDDY NOEMI HERNANDEZ ONEILL
JOAN LAUREANO COLON

DEBTORS

CASE NO. 19-06674 ESL

CHAPTER 13

**DEBTORS' REPLY TO *MOTION TO DISMISS UNDER 1307(c)(6)*
DOCKET NO. 28**

TO THE HONORABLE COURT:

COMES NOW, SAUDDY NOEMI HERNANDEZ ONEILL and JOAN LAUREANO COLON, the Debtors in the above captioned case, through the undersigned attorney, and very respectfully state and pray as follows:

1. Popular Auto LLC filed a *Motion to Dismiss Under 1307(c)(6)*, dated March 10, 2022, Docket No. 28, stating that the Debtor owes direct post-petition car loan arrears "...on monthly installments corresponding to the months of December 2021 through March 2022 for a total sum of \$3,150.80", in the above captioned case. See: *Motion to Dismiss Under 1307(c)(6)*, paragraph 5, Docket No. 28.

2. The Debtors hereby respectfully reply to Popular Auto LLC's motion stating that on April 09, 2020 at 9:03 AM Popular Auto LLC notified the Debtors that their application for a "moratorium" had been approved by Popular Auto LLC, that payment in a sum of \$1,392.19 had been postponed and the same would now mature as of the date of the loan's last payment.

3. Furthermore, the Debtors hereby respectfully state that the Debtors are making current payments to Popular Auto LLC. On December 17, 2021, the Debtors paid Popular Auto LLC a sum of \$788.00 to cover the December/2021 car loan payment; on January 18, 2022 the Debtors paid Popular Auto LLC a sum of \$788.00 to cover the January/2022 car

loan payment and on March 01, 2022 the Debtors paid Popular Auto LLC a sum of \$788.00 to cover the February/2022 car loan payment. Attached is copy of Debtors' BPPR checking account statement which reflects the aforesated debits for said payments.

4. The Debtors respectfully state that they are current in their Plan payments to the Chapter 13 Trustee and are substantially current in their direct car loan payments to Popular Auto LLC since the Debtors only owe the current March/2022 car loan payment.

5. Therefore, there is no "material default by the debtor" under 11 U.S.C. Section 1307(c)(6) to warrant a dismissal in the present case.

WHEREFORE the Debtors respectfully pray that Popular Auto LLC's motion requesting dismissal on the grounds that the Debtors allegedly incurred in a "material default" in the direct post-petition car loan payments to said secured creditor, 11 U.S.C. Section 1307(c)(6), Docket No. 28, be denied.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF system which will send notifications of such to the Chapter 13 Trustee; Carlos Perez Pastrana, Esq., Counsel for Popular Auto LLC, and also certify that I have mailed by United States Postal Service copy of this motion to the following non-participant: the Debtors, Sauddy Noemi Hernandez O'Neill & Joan Laureano Colon, RR6 Box 6936 Toa Alta PR 00953-9320, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 21st day of March, 2022.

*/s/ **Roberto Figueroa Carrasquillo***

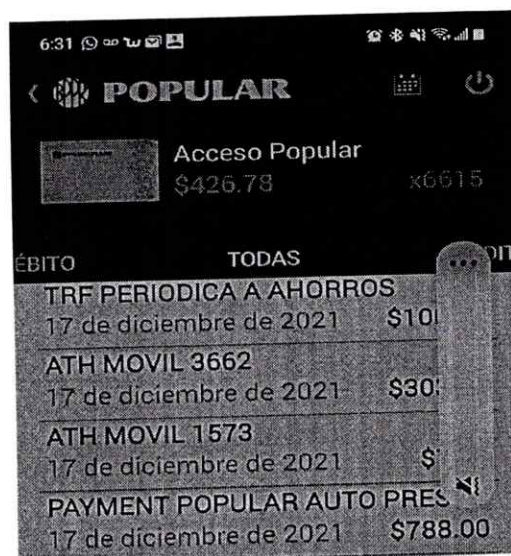
USDC #203614
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ATH MOVIL 0873	
18 de enero de 2022	\$16.00
DESCUBRA HEALTH FOODS	
18 de enero de 2022	\$18.81
SHELL TOA BAJA	
18 de enero de 2022	\$46.49
PAYMENT POPULAR AUTO PREST...	
18 de enero de 2022	\$788.00



SHELL TOA ALTA HEIGHTS	
1 de marzo de 2022	\$40.84
BPPR ILD AUTO DEBITS	
1 de marzo de 2022	\$788.00





Roberto Figueroa-Carrasquillo <rfc@rfigueroalaw.com>

Fwd: Su solicitud de moratoria de pagos para su préstamo de auto (#00346947) fue procesada y aprobada

1 message

Sauddy Hernandez <sauddyhernandez@gmail.com>
To: Roberto Figueroa-Carrasquillo <rfc@rfigueroalaw.com>

Thu, Mar 17, 2022 at 2:15 PM

----- Forwarded message -----

De: **Internet BPPR** <internet@bppr.com>

Date: jue., 9 de abril de 2020 9:03 p. m.

Subject: Su solicitud de moratoria de pagos para su préstamo de auto (#00346947) fue procesada y aprobada

To: sauddyhernandez@gmail.com <sauddyhernandez@gmail.com>



La solicitud de moratoria para tu préstamo de auto fue procesada y aprobada.

El estimado de intereses pactados que se acumularán como resultado del aplazamiento de pagos solicitado y aprobado es de \$1,392.19. Este estimado supone que reanudarás tus pagos al culminar la moratoria y que realizas los mismos en la fecha usual de pago de tu préstamo. Como los intereses de tu préstamo se calculan diariamente sobre su balance de principal, si pagas antes de la fecha establecida en tu contrato, acumularás menos intereses. Si, por el contrario, realizas tus pagos luego de dicha fecha, acumularás más intereses. Recuerda que tu último pago será mayor.

Si tienes Débito Directo o Telepago Popular® recuerda que fue desactivado y se reactivará para la fecha del próximo pago. Sin embargo, **si el servicio de Telepago Popular® fue programado por otra persona, no podremos reactivarlo.** Es importante que antes de la fecha de reanudación del pago, te asegures de coordinar para que sea programado nuevamente.

<https://mail.google.com/mail/u/0/?ik=15c055b705&view=pt&search=>
Gracias por utilizar nuestra herramienta digital de orientación
sobre alternativas de asistencia durante la situación del
COVID-19.

Agradecemos tu confianza y reiteramos nuestro compromiso
de brindarte el servicio de excelencia que mereces.

Popular nunca te pedirá información confidencial a través de un email, como tu nombre
de usuario, contraseña o número de seguro social.

© 2020 Popular, Inc.

FINANCIAL SUMMARY - CASE 19-06674SAUDDY NOEMI HERNANDEZ ONEILL paying **\$377.00** MONTHLY

Receipts	Rcpts/Deb Refunds	Disbursements	Adjustments	Trustee Disb	Trustee Adj	Show All
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 Limits: Check Status:

Date	Payee	Payee Name	Source / Check	Description	Receipts	Disbursements	Balance
3/15/2022				EPAY-Regular Plan Payment	\$377.00		
2/15/2022				EPAY-Regular Plan Payment	\$377.00		
1/18/2022				EPAY-Regular Plan Payment	\$377.00		
12/14/2021				EPAY-Regular Plan Payment	\$377.00		
11/15/2021				EPAY-Regular Plan Payment	\$377.00		
10/14/2021				EPAY-Regular Plan Payment	\$377.00		
9/13/2021				EPAY-Regular Plan Payment	\$377.00		
8/16/2021				EPAY-Regular Plan Payment	\$377.00		
7/14/2021				EPAY-Regular Plan Payment	\$377.00		
6/14/2021				EPAY-Regular Plan Payment	\$377.00		
5/17/2021				EPAY-Regular Plan Payment	\$377.00		
4/14/2021				EPAY-Regular Plan Payment	\$377.00		
3/15/2021				EPAY-Regular Plan Payment	\$377.00		
2/16/2021				EPAY-Regular Plan Payment	\$377.00		
1/15/2021				EPAY-Regular Plan Payment	\$377.00		
12/17/2020				EPAY-Regular Plan Payment	\$377.00		
11/16/2020				EPAY-Regular Plan Payment	\$237.00		
10/14/2020				EPAY-Regular Plan Payment	\$237.00		
9/15/2020				EPAY-Regular Plan Payment	\$237.00		
8/14/2020				EPAY-Regular Plan Payment	\$237.00		
7/14/2020				EPAY-Regular Plan Payment	\$237.00		
6/15/2020				EPAY-Regular Plan Payment	\$237.00		
5/15/2020				EPAY-Regular Plan Payment	\$237.00		
4/9/2020				EPAY-Regular Plan Payment	\$237.00		
3/16/2020				EPAY-Regular Plan Payment	\$237.00		
2/14/2020				EPAY-Regular Plan Payment	\$237.00		
1/14/2020				EPAY-Regular Plan Payment	\$237.00		
12/19/2019			000000000007888	MONEY ORDER/PAYMENT TO DEBTOR ACCOUNT-FTB	\$237.00		
Totals:					\$8,876.00	\$0.00	